In the High Court of Punjab and Haryana, Chandigarh

CWP No. 16454 of 2006

Date of Decision: October 17, 2006

Parveen Kadyan …Petitioner

Versus

State of Haryana and others …Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. Vivek Khatri, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

Some JBT Teachers who are associates of the petitioner filed C.W.P. Nos. 8287 of 2000, 2013 of 2001 and 7852 of 2001 claiming that they were entitled to be considered for promotion on the post of DPE i.e. Physical Education Master, under the Punjab Educational Services Class III (School Cadre) Rules, 1955, and they have been made ineligible to be considered for promotion by subsequent amendment carried in the Rules on 12.5.1998. Their writ petitions were allowed by a Division Bench of this Court on 5.4.2002 as they were found to be eligible under the old Rules of 1955 and the vacancy before the date of amendment i.e. 12.5.1998 were in existence.

The petitioner who is senior to the aforementioned persons makes a grievance in the instant petition that he was also entitled to be considered for promotion to the post of DPE as he

fulfilled all the requirements of the Rules and the vacancies under the old Rules were available. On our query, learned counsel for the petitioner has pointed out that the petitioner has acquired the qualification of Masters in Physical Education as is evident from the perusal of his degree issued by the Kurukshetra University, Kurukshetra, on 26.8.1998. The whole controversy is whether the petitioner could be considered to be eligible for promotion from the post of JBT Teacher to that of DPE on or before the cut-off date i.e. 12.5.1998 when the Rules were amended so as to grant him benefit of 1955 Rules. It is evident that the petitioner has acquired the qualification (if the same could be considered equivalent to the Diploma of Physical Education) on 26.8.1998 much after the Rules were amended. Therefore, he was not eligible to be considered for promotion against the old vacancy which has arisen under the 1955 Rules like those who had filed Civil Writ Petition Nos. 8287 of 2000, 2013 of 2001 and 7852 of 2001. Once the petitioner is not eligible to be considered for promotion to the post of DPE then the mere fact that he was senior to the aforementioned persons would pale into insignificance. There is no merit in the petition.

Dismissed.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)
JUDGE

October 17, 2006
Pkapoor